

Order

Michigan Supreme Court
Lansing, Michigan

November 2, 2007

Clifford W. Taylor,
Chief Justice

130207

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 130207
COA: 252100
Wayne CC: 02-014804-02

LAMAR QUANTRELL ROBERTS,
Defendant-Appellant.

By order of September 14, 2006, the application for leave to appeal the November 1, 2005 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Smith* (Docket No. 130353). On order of the Court, the case having been decided on June 20, 2007, 478 Mich 292 (2007), the application is again considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

CORRIGAN, J. concurs and states as follows:

I join the order denying leave to appeal. I write separately only to observe that, in an appropriate case, this Court should address whether to apply the rationale of *People v Smith*, 478 Mich 292 (2007), to a case where the defendant was convicted of felony murder and the predicate felony. In light of our decision in *Smith*, the holding in *People v Wilder*, 411 Mich 328 (1981), is now in question. But because the defendant in *Smith* had not been convicted of the predicate felony, we did not in that case consider whether *Wilder* should be overruled. Although we should address this issue in an appropriate case, defendant here failed to preserve the *Wilder* issue. Therefore, I concur in the denial of leave to appeal.

KELLY, J., would remand this case for correction of the judgment of sentence.



p1030

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 2, 2007

Corbin R. Davis

Clerk